IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.25517 of 2008
MOSAHEB YADAV
Versus
STATE OF BIHAR
---

3. 25.8.2008 Heard.

As per the allegation made in the F.I.R., the petitioner is said to have given a blow with spade on the head of the deceased. The rejection order indicates, as is the submission before me that the cause of death and the injury found on the dead body correspond to the allegation.

The contention is that two witnesses, who rushed to the scene of occurrence and who shifted the dead body to the hospital, have stated that the deceased was hit by the blows attempted by Gandhi Yadav and was killed. These are the facts which could be determined by the trial court as the allegation stands presently in the F.I.R. The petitioner being the assailant of the deceased, I am not inclined to direct release of the petition on bail.

The petition is dismissed.

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(Dharnidhar Jha,J)

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